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Subject: 3/30 Inside EPA: EPA Readies Review Of Asbestos Risk Finding Despite Calls For Delay

EPA Readies Review Of Asbestos Risk Finding Despite Calls For Delay

March 30, 2020

EPA is moving ahead with a planned scientific review of its just-released draft evaluation of asbestos, which found the substance poses unreasonable risk to workers, consumers and others, despite calls from science advisors and other critics who had urged the agency to delay the review until after the coronavirus pandemic.

The agency March 30 released its long-awaited draft evaluation of several forms of asbestos under the Toxic Substances Control Act (TSCA), finding that multiple evaluated uses of the substance poses “unreasonable” cancer risks via inhalation exposure to workers in several industry sectors, occupational non-users, consumers, or bystanders from consumer use.

The draft evaluation is the ninth of 10 the agency is racing to finalize by June, a deadline Congress set in its 2016 reform of TSCA. That deadline already includes a statutorily allowed 6-month extension from the original December 2019 TSCA deadline.

Since the past summer, EPA’s Science Advisory Committee on Chemicals (SACC) has peer reviewed the eight draft evaluations EPA has released. The agency has yet to finalize any of its draft documents and has yet to release its draft evaluation of perchloroethylene.

The draft asbestos evaluation does not include a review of the substances’ legacy uses and disposal, which EPA says it will address in a separate supplement after a federal court found the agency was required to assess such uses. Health and environmental groups have charged that such an approach is “contrary” to TSCA.

Nevertheless, the threshold findings will likely require EPA -- should it finalize the draft findings -- to eventually issue a suite of risk management regulations, though the effort falls short of calls by health and environmental groups for the agency to ban production, importation and use of the substance.

While legislation requiring such a ban cleared the House Energy and Commerce Committee in a strong bipartisan vote last fall, its supporters had been unable to convince House leadership to move the bill to the floor, likely amid concerns that it would affect pending or future tort litigation over asbestos in talc products. As such, any EPA regulation may be the only new limits on the substance the agency has sought to regulate for years.

EPA’s draft evaluation identified several conditions of use that pose unreasonable risks to workers. They include processing and industrial use of asbestos diaphragms in the chlor-alkali industry,

processing and industrial use of asbestos-containing sheet gaskets in chemical production, industrial use and disposal of asbestos-containing brake blocks in the oil industry, commercial use and disposal of aftermarket automotive asbestos-containing brakes and linings, other vehicle friction products and other asbestos-containing gaskets.

For consumer uses, the agency found that exposures to aftermarket asbestos-containing brakes and linings and other asbestos-containing gaskets pose unreasonable risks.

EPA says it has preliminarily determined that there are no conditions of use presenting an unreasonable risk to environmental receptors.

The agency says it is planning a meeting of its SACC April 27-30 to review the draft evaluation despite concerns from some members of the panel and an asbestos disease awareness group to delay the review.

‘Really Critically Important?’

Henry Anderson, SACC panelist and former chief medical officer for Wisconsin, urged the agency during a March 27 online review of EPA’s draft assessment of trichloroethylene (TCE) to postpone SACC’s next meeting, which he said is intended to be conducted online as well, though at the time he said he had yet to receive any of the documents.

“It might be worth ... [discussing] do we really want to move forward [with] a full week [meeting] in April. I wonder if [it would] not be best to postpone for the May dates,” Anderson said, apparently referencing dates in May that SACC members have been asked to reserve for a peer review meeting for the 10th chemical.

Anderson reminded EPA that SACC members will have their hands full writing the peer review report on TCE. He also said some SACC panelists are medical doctors or public health officials busy with coronavirus response.

Anderson said that he spent the TCE peer review meeting going between a secure facility where Wisconsin public health officials are working on coronavirus response and exiting these meetings to listen to the TCE peer review.

Anderson added that “for those of us in the public health field we’re in for, in the next month or so, really ramping things up. I’d ask EPA to look at whether it is really critically important to have the next meeting in April? I’d rather have their staff work on finalizing some of the documents we’ve already reviewed and haven’t got a final product yet to look at.”

After Anderson’s remarks at the March 27 meeting, SACC Chairman Ken Portier said he would discuss the concern with SACC’s EPA liaison. “I’ve heard [those] comments from a number of members,” Portier said.

Leaders of the Asbestos Disease Awareness Organization (ADAO) also sent [a March 30 letter](#) to EPA Administrator Andrew Wheeler warning of “deep concern that EPA will put in place a rushed and inadequate public comment and peer review process for its draft risk evaluation on asbestos.”

The group asks Wheeler to put the next peer review meeting and associated “public comment on hold until the current crisis is resolved and the scientific and medical community can give the draft evaluation the time and attention it deserves.”

And ADAO leaders urged Wheeler to delay the peer review meeting, arguing that conducting a virtual meeting in April would not allow for an adequate peer review of EPA’s draft evaluation of asbestos, when many interested in preparing public comments for SACC will be diverted by coronavirus.

ADAO also reminds Wheeler that any changes between how asbestos is assessed in the new TSCA draft evaluation compared to previous asbestos risk analyses “would have public health implications that extend well beyond TSCA. ... It will thus be essential for leading asbestos experts from the scientific and medical communities to carefully examine EPA’s findings and supporting analyses.” - *Maria Hegstad* (mhegstad@iwpnews.com)

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